THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25351 OF 2005

DATED:8.12.2005

Between:

Pollemoni Venkanna and others

…Petitioners

And

Government of A.P.

Rep. by its Secretary, Panchayat Raj and Rural Development

(MDL.II Dept.), Secretariat, Hyderabad and others

…Respondents

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ORDER:

The eight petitioners are Members of Mandal Parishad, Hanwada Mandal, Mahabubnagar District. They gave a notice of intention to move motion expressing no confidence under Section 245 of the A.P.Panchayat Raj Act, 1994 (for short, the Act) read with relevant Rules. A meeting was convened by third respondent on 22.9.2005 at 11.00 a.m. in which the motion against the President, Hunwada Mandal Parishad Sri V.Shekar was carried with requisite majority. Sub-section (2) of Section 245 of the Act requires the Government to issue a notification, removing President against whom a motion expressing no confidence is passed. It appears, the Revenue Divisional Officer by letter dt.22.9.2005 sent a report to the Government. The Government did not issue notification as required under sub-section (2) of

Section 245 of the Act. The petitioner therefore filed the present Writ Petition *inter alia* seeking a Writ of Mandamus directing first respondent to issue notification as required under law.

The matter was initially listed before this Court on 29.11.2005. After getting instructions in the matter, learned Assistant Government Pleader for Panchayat Raj informed the Court that there was some delay in issuing notification under Section 245(2) of the Act as the Hon'ble Minister for Panchayat Raj was not available due to other pressing administrative matters. He also submitted that a notification is being issued shortly. Therefore, the matter was adjourned. Today, learned Assistant Government Pleader for Panchayat Raj has placed before this Court G.O.Ms.No.408, dt.1.12.2005, containing notification under Section 245(2) of the Act removing Sri V.Shekar, President of Hanwada Mandal, from the office from the date of publication of notification. Learned Assistant Government Pleader states that publication is being made on 9.12.2005. A copy of G.O.Ms.No.408, dt.1.12.2005 (notification) is placed before this Court.

In view of the submission made by the learned Assistant Government Pleader, this Writ Petition is accordingly disposed of observing that in all such matters the Government should bestow expeditious attention and issue notification under Section 245(2) of the Act, which is a mere ministerial act.

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(V.V.S.RAO, J)

8.12.2005

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